

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAMONT SWAGERTY,

Plaintiff,

Case No. 17-12976

v.

Hon. John Corbett O'Meara

ST. VINCENT DEPAUL, *et al.*,

Defendants.

**ORDER GRANTING APPLICATION TO PROCEED
IN FORMA PAUPERIS AND DISMISSING COMPLAINT**

Appearing pro se, Plaintiff Lamont Swagerty filed a complaint and application to proceed without prepayment of fees on September 11, 2017. The court finds Plaintiff's application to proceed *in forma pauperis* to be facially sufficient and, therefore, grants Plaintiff's motion to proceed without prepayment of fees. See 28 U.S.C. § 1915(a); Gibson v. R.G. Smith Co., 915 F.2d 260, 262 (6th Cir. 1990).

Once a court grants a plaintiff permission to proceed *in forma pauperis*, it must review the complaint pursuant to 28 U.S.C. § 1915(e). The court "shall dismiss" the case if the court finds that it is "(i) frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B).

Under Fed. R. Civ. P. 8(a)(2), a complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Although this standard does not require “detailed factual allegations,” it does require more than “labels and conclusions” or “a formulaic recitation of the elements of a cause of action.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007). Rather, the plaintiff must allege facts that, if accepted as true, are sufficient “to raise a right to relief above the speculative level” and to “state a claim to relief that is plausible on its face.” Id. at 570. See also Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949-50 (2009).

Failing to meet this standard, Plaintiff’s complaint contains only vague allegations such as “discriminating against work conduct,” “discriminating against purchasing store items,” and “inappropriate verbal actions.” Plaintiff has not provided factual allegations indicating how he is entitled to relief under any legal theory. Even viewing the complaint liberally in light of his pro se status, Plaintiff has failed to state a claim upon which relief may be granted.

IT IS HEREBY ORDERED that Plaintiff’s complaint is DISMISSED.

s/John Corbett O’Meara
United States District Judge

Date: October 17, 2017

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 17, 2017, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager